

Notice of Allowability

Application No.

10/531,092

Examiner

Helene Klemanski

Applicant(s)

PATEL, PRAKASH

Art Unit

1755

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment and terminal disclaimer filed June 15, 2006.
2. ☒ The allowed claim(s) is/are 1-4, 7-12, 15-20 and 24-29.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

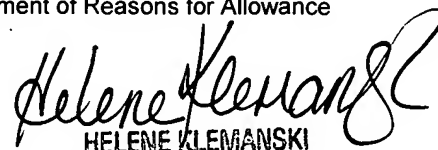
* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


HELENE KLEMANSKI
PRIMARY EXAMINER
GROUP 1700

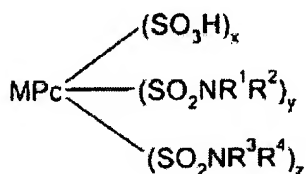
DETAILED ACTION

Terminal Disclaimer

1. The terminal disclaimer filed on June 15, 2006 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of any patent granted on Application No. 10/530,895 has been reviewed and is accepted. The terminal disclaimer has been recorded.

REASONS FOR ALLOWANCE

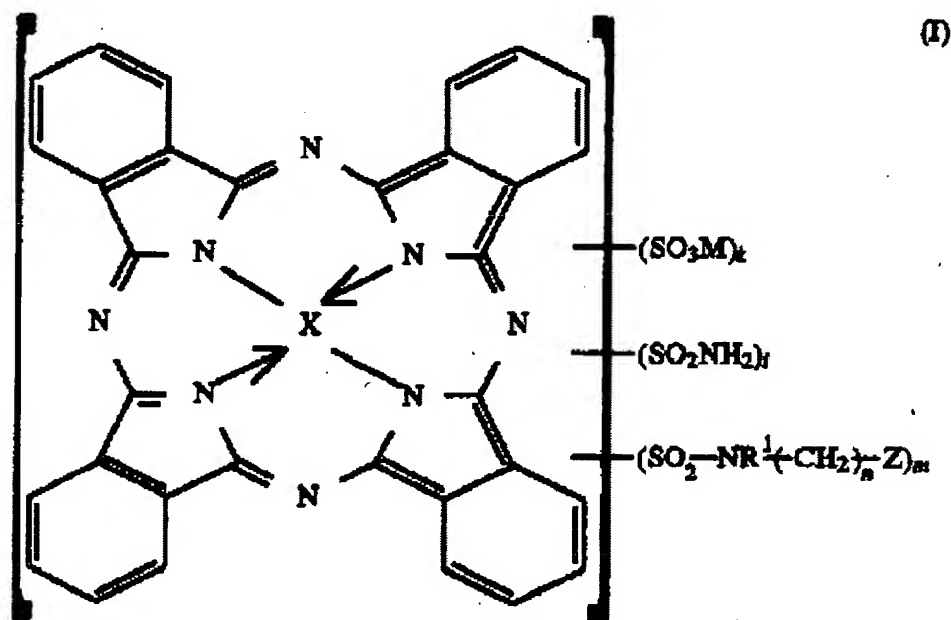
2. The following is an examiner's statement of reasons for allowance: Thus application teaches a composition comprising a compound of the formula



wherein M is Cu or Ni; Pc represents a phthalocyanine nucleus; R¹ and R² are H; R³ is H or optionally substituted C₁₋₄ alkyl; R⁴ is optionally substituted C₁₋₄ hydroxyalkyl; X is greater than 0 and less than 1.2; y and z are both greater than 0 and the sum of (x+y+z) is 2.4 to 4.5; and a liquid medium which comprises water and an organic solvent or an organic solvent free from water and a process for forming an image on a substrate comprising applying the above composition to the substrate by means of an ink-jet printer. The closest prior art of record is U.S. Patent No's. 6,149,722, 6,712,891 and 5,704,969, issued to Robertson et al., Andrievsky et al. and Kanaya et al. respectively. Robertson et al. teach a similar ink composition comprising a phthalocyanine compound

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having at least 1.2 to 3.8 sulfonate groups but fails to teach or fairly suggest a phthalocyanine compound having less than 1.2 sulfonate groups as claimed by applicants. Andrievsky et al. teach a similar ink composition comprising a phthalocyanine compound having sulfonate and substituted sulfonamide substituents but fail to teach or fairly suggest a phthalocyanine compound having sulfonate, substituted sulfonamide and unsubstituted sulfonamide substituents as claimed by applicants. Kanaya et al. teach a similar ink composition comprising a phthalocyanine compound of the formula



wherein X is a metal such as copper or nickel; M is H; R¹ is H; when Z is OH then n represents an integer of 5 to 15; k and l each independently represent 0 or 1 and m represents an integer of 1 to 4 provided that k, l and m satisfy $2 \leq k + l + m \leq 4$ but fails to teach or fairly suggest a phthalocyanine compound wherein when Z is OH then n is 1 to 4 as claimed by applicants. Applicants should note that the examiner has cited U.S.

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Patent No's. 7,022,171, issued to Patel et al. and 7,014,696, issued to Patel however no rejections have been made over these references since both reference fail to teach or fairly suggest a phthalocyanine compound of the formula as claimed by applicants.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

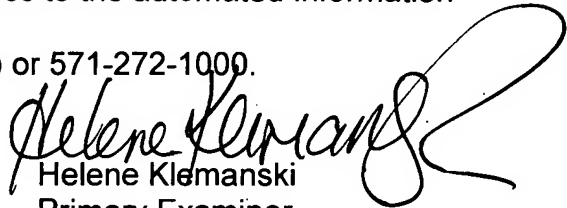
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Helene Klemanski whose telephone number is (571) 272-1370. The examiner can normally be reached on Monday-Friday 5:30-2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jerry Lorengo can be reached on (571) 272-1233. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Helene Klemanski
Primary Examiner
Art Unit 1755


HK
August 16, 2006